

Customer No. 24498
Internal Docket No. SCP061792
Office Action Date: June 30, 2008

Remarks/Arguments

Claims 1 – 19 are pending. Claims 1 – 19 stand rejected.

Claims 1 and 16 have been amended to clarify the subject matter that Applicant regards as the invention. No new matter is believed to be added by the present amendment.

Rejection of claims 1 – 10, 12, 13 and 16 – 19 under 35 U.S.C. 103(a) as being unpatentable over Killian (US Patent 6,163,316) in view of Alexander et al. (US Patent 6,177,931), herein Alexander, and further in view of Zigmond et al. (US Patent 6,571,392), herein Zigmond.

Applicant submits that for at least the following reasons, claims 1 – 10, 12, 13 and 16 – 19 are patentable over Killian, Alexander and Zigmond, either singly or in combination.

For example, amended claim 1, in part, requires:

"a processing module suitable for receiving, from a predetermined software application received from another medium, initialization and marking information from said other medium, relating at least to the start and to the end of a chosen television program."

Killian deals with electronic program guides and in particular to methods for making the EPG more suitable to the end user. Killian apparently discloses methods to propose a preferred schedule or to record a television program based on some viewer profile and viewer input information. It does not require the end user to inspect any broadcast information for particular programs.

In the Office Action, page 3, it is argued by the Office that the software application is the EPG 70 in Killian, Fig. 3 and column 8, lines 36 – 56. However, Applicant submits that, in Killian, the EPG 70 is first downloaded from the internet over link 14; then the initialization and marking information is generated by the suggestion module 76 according to the profile database (Fig. 6, column 16, lines 31 – 50). Since

Customer No. 24498
Internal Docket No. SCP061792
Office Action Date: June 30, 2008

the suggestion module operates within the device after the EPG 70 is downloaded, the initialization and marking information is generated by the suggestion mode 76 within the device.

In contrast, the claimed invention requires that the initialization and marking information is received from said other medium. Therefore, Killian fails to disclose the claimed feature: a processing module suitable for receiving, from a predetermined software application received from another medium, initialization and marking information from said other medium, relating at least to the start and to the end of a chosen television program.

Applicant submits that Alexander fails to cure the defects present in Killian as discussed above. Alexander apparently discloses a system for recording broadcast content. Alexander, column 11 line 64 to column 12 line 9, discloses the step of comparing said initialization and marking information with the television digital stream originating from the demultiplexer/extractor module, and in response to a positive comparison, for causing the recording. However, in Alexander, initialization and marking information is generated at the receiver by the end user. The initialization and marking information is not received from said other medium. Therefore, Alexander also fails to disclose the claimed feature: a processing module suitable for receiving, from a predetermined software application received from another medium, initialization and marking information from said other medium, relating at least to the start and to the end of a chosen television program.

Applicant further submits that Zigmond also fails to cure the defects present in Killian and Alexander as discussed above, because Zigmond does not disclose any processing module for receiving from a predetermined software application received from another medium, initialization and marking information from said other medium, relating at least to the start and to the end of a chosen television program.

In addition, claim 1 also requires:

"an execution module suitable, at the request of a user, for launching the playing of the digital sequences relating to said television program thus recorded,

Customer No. 24498
Internal Docket No. SCP061792
Office Action Date: June 30, 2008

in synchronism with the initialization and marking information, wherein said execution module further comprises a supplementary processing module able to run the predetermined software application further containing said initialization and marking information, the software application being run in synchronism and in interactive mode with the playing of the digital-television program thus recorded with the aid of said initialization and marking information."

In the Office Action, page 4, it is conceded by the Office that Killian combined with Alexander does not disclose the above claimed feature. Because of this defect, the Office cited Zigmond and alleged that Zigmond discloses the above claimed feature. Applicant respectfully disagrees with such allegation.

Zigmond discloses a system for receiving information on a broadcast channel, for example receiving information from the Internet when it can't be received from the broadcast channel. Zigmond, column 4 lines 31 – 41 and column 10 lines 4 – 11, discloses that the receiver uses the resource identifier of the VBI to retrieve the identifier web page content from the Internet, and then the viewer can interact with the web page and have interactive television. However, Zigmond does not disclose the feature of a predetermined software application further containing said initialization and marking information. Zigmond discloses that based on the marking information (the resource identifier in the VBI), the device connects to the Internet, and web content is displayed as a web page along with the television video. However, in Zigmond, the web page application that is being played along with the video is not the same predetermined software application that received the initialization and marking information. The web page application was not received from another medium. Therefore, Zigmond also fails to disclose the claimed feature: an execution module suitable, at the request of a user, for launching the playing of the digital sequences relating to said television program thus recorded, in synchronism with the initialization and marking information, wherein said execution module further comprises a supplementary processing module able to run the predetermined software application further containing said initialization and marking information, the software application being run in synchronism and in

Customer No. 24498
Internal Docket No. SCP061792
Office Action Date: June 30, 2008

interactive mode with the playing of the digital-television program thus recorded with the aid of said initialization and marking information.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Killian, Alexander and Zigmond, either singly or in combination. Independent claims 16 and 17 contain similar distinguishing features as discussed above with respect to claim 1. Applicants essentially repeat the above arguments for claim 1 and apply them to claims 16 and 17 pointing out why Killian, Alexander and Zigmond, either singly or in combination, fails to disclose the claimed features. Claims 2 – 10, 12, 13, 18 and 19 are patentable because at least they respectively depend from claims 1 and 17, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 1 – 10, 12, 13 and 16 – 19 under 35 U.S.C. 103(a) is respectfully requested.

Rejection of claim 11 under 35 U.S.C. 103(a) as being unpatentable over Killian in view of Alexander, and further in view of Zigmond, and further in view of Ellis et al. (US Patent 6,665,869), herein Ellis.

Applicant submits that Ellis does not in any way cure the defects present in the combination of Killian, Alexander and Zigmond as discussed above for claim 1. Therefore, claim 11 is patentable for at least the reason that it depends from claim 1 with further distinguishing features. Withdrawal of the rejection of claim 11 under 35 U.S.C. 103(a) is respectfully requested.

Rejection of claims 14 and 15 under 35 U.S.C. 103(a) as being unpatentable over Killian in view of Alexander, and further in view of Zigmond, and further in view of Feinleib et al. (US Patent Application Publication 2005/0166257), herein Feinleib.

Applicant submits that Feinleib does not in any way cure the defects present in combination of Killian, Alexander and Zigmond as discussed above for claim 1 either. Therefore, claims 14 and 15 are patentable for at least the reason that they depends from claim 1, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 14 and 15 under 35 U.S.C. 103(a) is respectfully requested.


Customer No. 24498
Internal Docket No. SCP061792
Office Action Date: June 30, 2008

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicants' attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
Jean-Claude Basset

By:


Paul Kiel
Attorney for Applicants
Registration No. 40,677

THOMSON Licensing LLC
PO Box 5312
Princeton, NJ 08543-5312

Date: 10-30-08